

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF LOUISVILLE GAS	)	
AND ELECTRIC COMPANY FOR AN	)	CASE NO.
ADJUSTMENT OF ITS ELECTRIC AND GAS	)	2016-00371
RATES AND FOR CERTIFICATES OF PUBLIC	)	
CONVENIENCE AND NECESSITY	)	

ORDER

This matter arises from motions requesting confidential treatment, pursuant to KRS 61.878(1) and 807 KAR 5:001, Section 13, filed by JBS Swift & Co (JBS Swift) and Louisville Gas and Electric Company (LG&E) on March 31, 2017, and April 10, 2017, respectively.

In the JBS Swift motion, JBS Swift requests confidential treatment for five years for information contained in its response to LG&E's Data Requests (LG&E's DR), Item 1. JBS Swift states that the response to LG&E's DR, Item 8(a) contains information relating to its manufacturing process at its Louisville facilities, including its load profile, information related to potential cost savings for electricity, and equipment list. JBS Swift asserts that public disclosure of this information could place it at an unfair competitive disadvantage with other similar manufacturing processes. JBS Swift contends that disclosure of this information could harm JBS Swift by providing its competitors an opportunity to understand the company's core operations regarding its equipment and its associated electricity consumption. JBS Swift argues that this information is exempt from public disclosure pursuant to KRS 61.878(1)(c).

LG&E's motion mirrors the confidentiality request sought by JBS Swift. In particular, LG&E requests confidential treatment for five years for information contained in the Rebuttal Testimony of W. Steven Seelye (Seelye Rebuttal Testimony). LG&E notes that the Seelye Rebuttal Testimony references and discusses the document for which JBS Swift seeks confidential treatment.

Having carefully considered the motions and the materials at issue, the Commission finds that the designated materials in the confidentiality motions of JBS Swift and LG&E meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. JBS Swift's March 31, 2017 motion and LG&E's April 10, 2017 motion for confidential treatment are granted.
2. The designated materials for which JBS Swift and LG&E seek confidential treatment shall not be placed in the public record or made available for public inspection for five years or until further Orders of this Commission.
3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
4. JBS Swift or LG&E shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.
5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, then JBS Swift or LG&E shall have 30 days from receipt of written notice of the request to demonstrate that the materials still fall within

the exclusions from disclosure requirements established in KRS 61.878. If JBS Swift or LG&E is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

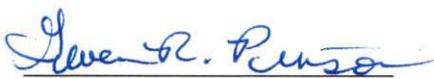
6. The Commission shall not make the requested materials available for inspection for 30 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow JBS Swift or LG&E to seek a remedy afforded by law.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

By the Commission

ENTERED  
JAN 28 2019  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

\*Honorable Allyson K Sturgeon  
Senior Corporate Attorney  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KENTUCKY 40202

\*Cheryl Winn  
Waters Law Group, PLLC  
12802 Townepark Way, Suite 200  
Louisville, KENTUCKY 40243

\*Gardner F Gillespie  
Sheppard Mullin Richter & Hampton LLP  
2099 Pennsylvania Avenue NW, Suite 1  
Washington, DISTRICT OF COLUMBIA 20006

\*Bethany Baxter  
Joe F. Childers & Associates  
300 Lexington Building  
201 West Short Street  
Lexington, KENTUCKY 40507

\*Dennis G Howard, II  
Howard Law PLLC  
740 Emmett Creek Lane  
Lexington, KENTUCKY 40515

\*G. Houston Parrish  
Labor Law Attorney  
Office of the Staff Judge Advocate, B  
50 3rd Avenue  
Fort Knox, KENTUCKY 40121

\*William H May, III  
Hurt, Deckard & May  
The Equus Building  
127 West Main Street  
Lexington, KENTUCKY 40507

\*Don C A Parker  
Spilman Thomas & Battle, PLLC  
1100 Brent Creek Blvd., Suite 101  
Mechanicsburg, PENNSYLVANIA 17050

\*Jody Kyler Cohn  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
Suite 1510  
Cincinnati, OHIO 45202

\*Barry Alan Naum  
Spilman Thomas & Battle, PLLC  
1100 Brent Creek Blvd., Suite 101  
Mechanicsburg, PENNSYLVANIA 17050

\*Emily W Medlyn  
General Attorney  
U.S. Army Legal Services Agency Regul  
9275 Gunston Road  
Fort Belvoir, VIRGINIA 22060

\*Janice Theriot  
Zielke Law Firm PLLC  
1250 Meidinger Tower  
462 South Fourth Avenue  
Louisville, KENTUCKY 40202

\*Casey Roberts  
Sierra Club  
1536 Wynkoop St., Suite 312  
Denver, COLORADO 80202

\*Eileen Ordover  
Legal Aid Society  
416 West Muhammad Ali Boulevard  
Suite 300  
Louisville, KENTUCKY 40202

\*Honorable Kurt J Boehm  
Attorney at Law  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
Suite 1510  
Cincinnati, OHIO 45202

\*Carrie M Harris  
Spilman Thomas & Battle, PLLC  
1100 Brent Creek Blvd., Suite 101  
Mechanicsburg, PENNSYLVANIA 17050

\*Thomas J FitzGerald  
Counsel & Director  
Kentucky Resources Council, Inc.  
Post Office Box 1070  
Frankfort, KENTUCKY 40602

\*Honorable Kendrick R Riggs  
Attorney at Law  
Stoll Keenon Ogden, PLLC  
2000 PNC Plaza  
500 W Jefferson Street  
Louisville, KENTUCKY 40202-2828

\*Joe F Childers  
Joe F. Childers & Associates  
300 Lexington Building  
201 West Short Street  
Lexington, KENTUCKY 40507

\*Gregory T Dutton  
Goldberg Simpson LLC  
9301 Dayflower Street  
Louisville, KENTUCKY 40059

\*Kent Chandler  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*Lawrence W Cook  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*Honorable Michael L Kurtz  
Attorney at Law  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
Suite 1510  
Cincinnati, OHIO 45202

\*Louisville Gas and Electric Company  
220 W. Main Street  
P. O. Box 32010  
Louisville, KY 40232-2010

\*Honorable Lisa Kilkelly  
Attorney at Law  
Legal Aid Society  
416 West Muhammad Ali Boulevard  
Suite 300  
Louisville, KENTUCKY 40202

\*Honorable Matthew R Malone  
Attorney at Law  
Hurt, Deckard & May  
The Equus Building  
127 West Main Street  
Lexington, KENTUCKY 40507

\*Louisville Gas and Electric Company  
220 W. Main Street  
P. O. Box 32010  
Louisville, KY 40232-2010

\*Laurence J Zielke  
Zielke Law Firm PLLC  
1250 Meidinger Tower  
462 South Fourth Avenue  
Louisville, KENTUCKY 40202

\*Patrick Turner  
AT&T Services, Inc.  
675 West Peachtree Street NW  
Room 4323  
Atlanta, GEORGIA 30308

\*Matthew Miller  
Sierra Club  
50 F Street, NW, Eighth Floor  
Washington, DISTRICT OF COLUMBIA 20001

\*Paul Werner  
Sheppard Mullin Richter & Hampton LLP  
2099 Pennsylvania Avenue NW, Suite 1  
Washington, DISTRICT OF COLUMBIA 20006

\*Megan Grant  
Sheppard Mullin Richter & Hampton LLP  
2099 Pennsylvania Avenue NW, Suite 1  
Washington, DISTRICT OF COLUMBIA 20006

\*Rebecca W Goodman  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*Mark E Heath  
Spilman Thomas & Battle, PLLC  
300 Kanawha Blvd, East  
Charleston, WEST VIRGINIA 25301

\*Honorable Robert C Moore  
Attorney At Law  
Stites & Harbison  
421 West Main Street  
P. O. Box 634  
Frankfort, KENTUCKY 40602-0634

\*Michael J O'Connell  
Jefferson County Attorney  
600 West Jefferson St., Suite 2086  
Louisville, KENTUCKY 40202

\*Robert Conroy  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KENTUCKY 40202